

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

FILED  
U.S. DISTRICT COURT  
DISTRICT OF NEBRASKA  
2006 DEC 12 PM 4:52

UNITED STATES OF AMERICA,

Plaintiff,

vs

HUGO BELTRAN-GOMEZ,

Defendant.

Case No. 4:03CR3004

**MEMORANDUM  
AND ORDER**

I held a telephone conference this afternoon with Chuck Thomas, a lawyer from Arizona who said that he had been retained by the defendant, and Dave Stempson, the Assistant United States Attorney assigned to this case. Mr. Thomas advised that time did not permit him to obtain the appropriate CM/ECF password to electronically file a motion under 28 U.S.C. § 2255. He further represented that the time for filing such a motion would expire at midnight tonight. He asked for leave to file the motion by fax, with the original to be submitted by Federal Express soon thereafter. He also indicated that he would like to file by fax a motion to submit his application to be admitted to practice in this Court in due course. He said that the application papers were now before the Arizona Supreme Court for certification. The government had no objection.

Understanding that I make no determination of the timeliness of any such motions,

IT IS ORDERED that:

1. Mr. Thomas may file the 2255 motion, and related entry of appearance and other supporting documents, by submitting a fax copy to the Clerk of the Court and the Clerk of the Court shall accept such fax filing. Using Federal Express or some similar service, and no later than the close of business on Friday, December 15, 2006, Mr. Thomas shall file the original motion and supporting papers with the Clerk of the Court and the Clerk shall accept such documents in paper form.
2. Mr. Thomas may file his application for admission to practice in this Court as soon as reasonably possible, but not later than January 2, 2007.

December 12, 2006.

BY THE COURT:

s/Richard G. Kopf  
United States District Judge